

## REMARKS

Reconsideration of the outstanding Office Action is respectfully solicited.

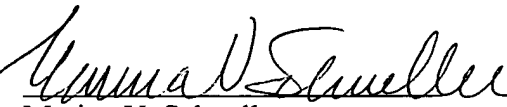
Amendments of claims 22 and 23 are to exclude compounds which developed in the prosecution of foreign counterparts. Claim 23 has been amended to be in the independent form.

Applicants respectfully traverse the rejections of Claims under 35 U.S.C. §102. The CAS registries 35928-32-6 and 73757-72-9 and Akatsuka do not describe species of the claims. In Applicants' claims, when R1 is -NR<sub>2</sub>R<sub>3</sub>, and n=0, the N of the NR<sub>2</sub>R<sub>3</sub> is bonded directly to the cyclohexane ring. This is not the case in each of those CAS registries and Akatsuka. Moreover, CAS 115268-93-7 describes a quaternary nitrogen and includes a hydrogen radical, whereas, in the present claims the N atom is trivalent; moreover CAS 115268-93-7 is not enabling with respect to either structure.

The Examiner has cited registries from the Chemical Abstract Service, which are shown in the US Office Action. It is respectfully submitted that the CAS registries do not satisfy the law of anticipation as the CAS registries do not provide enablement of either how to make or how to use. The disclosure requirements defined by case law precedent for a printed publication to constitute an anticipation and thus negate novelty include 'written description' [*In re Arkely*, and *In re Samour*] and 'enablement' [*In re LeGrice*]. In applicants' view, the CAS registries do not satisfy that case law, requiring enablement to place the claimed information in the possession of the public. It is clear that the CAS registries neither enable how to make nor enable how to use the formula recited respectively in each. Accordingly, In applicants' view, the CAS registries do not support a prima facie case of lack of novelty. In applicants' view, there is some doubt as to whether the CAS registries satisfy the 'written description' requirement; on the instant record, the formula of each CAS registry may constitute the 'speculation' addressed in *In re Wiggins*. Accordingly, applicants request withdrawal of the rejections under 35 U.S.C. §102 and reconsideration with respect to new claims.

Reconsideration and an early allowance are respectfully solicited.

Respectfully submitted,

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